

PROB 12C  
(6-96)

**FILED**

**United States District Court**

SEP 15 2014

for

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY [Signature]  
DEPUTY CLERK

WESTERN DISTRICT OF TEXAS

**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Freddie Nieto Figueroa  
True Name: Freddie Figueroa-Nieto

Case Number: A-09-CR-609(1)-LY

Name of Sentencing Judicial Officer: Honorable Lee Yeakel, United States District Judge

Date of Original Sentence: March 8, 2010

Original Offense: Conspiracy to Possess with Intent to Distribute 500 Grams or More of Cocaine, in violation of 21 U.S.C. §§ 846, 841(a)(1) and 841(b)(1)(B)(ii)

Original Sentence: Forty (46) months custody, followed by five (5) years of supervised release

Type of Supervision: Supervised Release Date Supervision Commenced: February 21, 2013

Assistant U. S. Attorney: Mark Lane

Defense Attorney: Jeff Senter-Retained

---

**PREVIOUS COURT ACTION**

None

**PETITIONING THE COURT**

☒ To issue a warrant

☐ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

**Violation of Mandatory Condition No. 1:** "The defendant shall not commit another federal, state, or local crime."

**Violation of Standard Condition No. 17:** "If the defendant is excluded, deported, or removed upon release from imprisonment, the term of supervised release shall be a non-reporting term of supervised release. The defendant shall not illegally reenter the United States. If the defendant lawfully reenters the United States during the term of supervised release, the defendant shall immediately report in person to the nearest U.S. Probation Office."

Freddie Nieto Figueroa  
Petition for Warrant or Summons for  
Offender Under Supervision  
Page 2

**Nature of Noncompliance:** On August 26, 2014, under the alias of Adan Figueroa Sanchez, the offender was arrested by the Bessemer, Alabama, Police Department for the offense of Possession of Methamphetamine, a felony. According to the arrest report, on the above date, an officer conducted a traffic stop on a vehicle for driving without its headlights on when required. The driver (the offender in this case) and his female passenger stated they were on their way to a hotel, after leaving a local body shop. The female told police she was accompanying a group of male friends to Atlanta, but they had been "stalling" in Alabama for the last two days. During a consensual search of the vehicle, officers located a clear plastic baggie containing an undermined amount of methamphetamine in a door pocket of the vehicle. The investigation revealed that the offender and the rest of his associates, who were staying at the hotel, appeared to be involved in illegal activity. Officers learned that the female passenger had rented two rooms, one for her and one for the offender and the rest of their friends. A consensual search of her hotel room resulted in no items of interests; however, officers observed in plain view one plastic baggie containing cocaine inside the males' hotel room. Officers detained four male subjects inside the room; however, they were later released at the scene, along with the offender's female passenger. The offender is currently at the Jefferson County Jail in Alabama, and an immigration detainer has been placed on him.

At the time of his arrest for the above offense, the offender was in the United States illegally as he had been deported to Mexico on March 1, 2013, and there is no information to suggest that he returned to the United States lawfully.

---

### U. S. Probation Officer Recommendation:

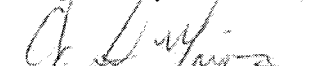
The term of supervision should be revoked.

Approved by,



Lonnie M. Hellums  
Supervising U.S. Probation Officer

Respectfully submitted,



Agustin Marquez  
U.S. Probation Officer

Date: September 9, 2014

Received by,



Matthew Devlin  
Assistant U.S. Attorney

☐ recommend      ☒ does not recommend      Justification: \_\_\_\_\_

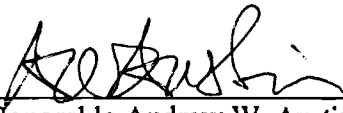
The court should simply receive a notice of the violation at this point and file a 12C petition only upon disposition of the state case or the charging of a federal 1326 case.

Freddie Nieto Figueroa  
Petition for Warrant or Summons for  
Offender Under Supervision  
Page 3

---

**THE COURT ORDERS:**

- Monitor pending arrest. When it is determined if defendant will be prosecuted in
- ☒ No Action Alabama, notify court and a decision will be made at that time regarding whether to  
issue a warrant.
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ Other

  
\_\_\_\_\_  
Honorable Andrew W. Austin  
U.S. Magistrate Judge

\_\_\_\_\_  
September 12, 2014  
Date